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DIGEST OF OTHER RECENT VIRGINIA DECISIONS.**Supreme Court of Appeals.**

Note.—In this department we give the syllabus of every case decided by the Virginia Supreme Court of Appeals except of such cases as are reported in full.

BIXLER v. MODERN WOODMEN OF AMERICA.

Nov. 16, 1911.

[72 S. E. 704.]

1. Insurance (§§ 716, 718*)—Mutual Benefit Societies—By-Laws—Binding Effect on Members.—One who takes out a policy in a mutual benefit society becomes a member thereof, and is bound by its charter and by-laws made in pursuance thereof, and is chargeable with knowledge of limitations on the powers of agents of the society found in the by-laws.

[Ed. Note.—For other cases, see Insurance, Cent. Dig. §§ 1854, 1855; Dec. Dig. §§ 716, 718.* 2 Va.-W. Va. Enc. Dig. 345.]

2. Insurance (§ 761*)—Mutual Benefit Insurance—Suspension for Nonpayment of Assessments — Reinstatement — Validity.—The by-laws of a mutual benefit society provided for the reinstatement of a suspended member by his payment of assessments, if he was at the time of payment in good health; that otherwise the receipt and retention of the assessments should not reinstate him and prohibited the clerk of any local camp from knowingly receiving assessments from a suspended member, if at the time of tender of payment the member was in impaired health. A member who had been suspended for nonpayment paid arrearages while ill, and the clerk of the local camp who received the money had knowledge thereof. None of the directors or other officers of the society knew of the member's payment until after his death. Held, that the payment and the reception thereof by the clerk of the local camp did not reinstate the member, and the society did not waive the forfeiture, and was not estopped from setting it up as a defense.

[Ed. Note.—For other cases, see Insurance, Cent. Dig. § 1924; Dec. Dig. § 761.* 14 Va.-W. Va. Enc. Dig. 148, 149.]

Error to Circuit Court, Augusta County.

Action by Savannah Bixler against the Modern Woodmen of America. There was a judgment for defendant, and plaintiff brings error. Affirmed.

Carter Braxton, for the plaintiff in error.

Timberlake & Nelson, for the defendant in error.

CARDWELL, J., absent.

*For other cases see same topic and section NUMBER in Dec. Dig. & Am. Dig. Key No. Series & Rep r Indexes.